

REMARKS

Applicants have noted that the previous rejections have been withdrawn due to the amendments made in the Amendment filed September 15, 2008.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as anticipated by, or under 35 U.S.C. 103(a) as obvious over Carlblom, are respectfully requested.

Applicants respectfully submit that the reference to Carlblom does not disclose or suggest the present invention as it is claimed in the present application.

In the Office Action, the Examiner refers to the newly cited reference to Carlblom, and, in paragraphs 3 and 5 of the reference, specific reference is made to column 1, lines 9 to 14, column 2, lines 21 to 33, column 3, lines 7 to 13, column 4, lines 50 to 60, column 10, lines 50 to 67, and column 12, lines 14 to 31.

In accordance with the passages referred to above, the reference discloses coatings of a hardened reaction product of a polyamine with a polyepoxide which have barrier properties relative to oxygen. Plastic containers manufactured with these coatings are supposed to be ideally suitable for packaging foods, beverages, pharmaceuticals, and similar substances. The coating is applied by conventional methods, such as spraying, rolling, dipping or the like. Prior to coating, the surface to be coated is pretreated in order to increase the surface tension thereof, for example, by flame treatment, corona treatment or the like, and an aftertreatment for the purpose of drying, etc. and hardening of the coated surface, for example, by heat supply, take place after the coating. The thickness of the dried layer is not to exceed 25.4 μm (1 mil) and preferably about 12.7 μm (0.5 mil) or less.

It is the position taken by the Examiner that the coated plastic container of the reference to Carlblom corresponds to the container according to the present invention. This position is correct to the extent that the coatings used have barrier properties relative to oxygen and are based on the materials epoxy resins or amine adducts.

However, it is respectfully submitted that the present invention as claimed differs significantly over the reference for the following reasons:

The reference does not disclose a compatibility of the mechanical, chemical and thermal properties of the coating to the corresponding properties of the container material and to the appropriate properties of the contents. Rather, the reference mentions in column 9, lines 66 to column 10, line 17, only certain properties of the coatings, such as good flexibility, high impact resistance, high gloss, good clarity, wherein only a general reference is made to gas-permeable polymer materials. With respect to the compatibility with the contents, the reference merely mentions the already cited ideal suitability for packaging foods, beverages, pharmaceuticals, and like substances, without discussing any possible compatibility.

With respect to the layer thickness of the finished coating of Carlblom, the addition "or less" permits the conclusion that the layer thickness can also be less than the range stated as being preferable of about 0.5 mil, for

example, 0.4 mil or even 0.3 mil, wherein a thicker coating would require more material and thinner coatings would save material. However, since in the example of the manufacture of the coating in column 14, lines 28 to 32, for a hardened coating a thickness of about 0.5 to 0.6 mil is mentioned, those skilled in the art are not likely to select a layer thickness which is not below or only slightly below the preferred 0.5 mil. Certainly, those skilled in the art would not select a thickness which is thousand times smaller of 0.000118 mil to 0.00118 mil which corresponds to 0.003 μm to 0.03 μm , as claimed in the present application. If layers which have such a thin thickness, the manufacture is likely to be higher than when manufacturing thicker layers.

In the reference, the surfaces of containers to be coated are only pretreated by flame treatment, corona treatment or the like for increasing the surface tension. It is questionable whether such a treatment of the surfaces to be coated in accordance with the present invention will render the surfaces free of fat and/or free of dust and/or roughened, so that the reference does not render obvious the increase of the surface tension. Moreover, the corona treatment is only useful in plastic foils, since in plastic containers it is not

possible to treat all surfaces in a continuous work step by one electrode.

The reference does disclose an aftertreatment for the purpose of drying or hardening the coated surfaces, for example, by supplying heat. However, the reference does not disclose an aftertreatment by means of an UV radiation, so that this feature of drying described in the reference is not identical.

In summary, it is submitted that there are differences between the present invention as claimed and the reference to Carlblom which render the present claim 1 patentable over the art.

Accordingly, it is submitted that the claims in the present application are allowable.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: February 6, 2009

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on February 6, 2009.

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Date: February 6, 2009